



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626


1068951 - R8 SDMS

Ref: 8MO

February 26, 2002

Richard Morrow
P.O. Box 1065
East Helena, MT 59635

Dear Mr. Morrow:

Thank you for your letter regarding groundwater and soil contamination in East Helena. I have attempted to answer each of your questions below. My responses are in the same order as your questions:

1. EPA will continue to provide information to the public regarding groundwater contamination in East Helena. EPA will notify well owners individually and we will continue to have public meetings when necessary. Now that we are aware of your interest and know how to contact you we will include you in all information mailings.

EPA and Asarco are working together to clean up the contaminated groundwater. Currently two pilot scale tests are planned. Results of these tests should allow us to develop a full-scale remedy. At this time, it is not possible to accurately predict when the full scale remedy will be designed or how long it might take to achieve groundwater standards. Meanwhile Asarco, under EPA's direction, will continue to investigate the extent of arsenic under East Helena. Additionally, Asarco will monitor all available domestic wells and provide access to city water for those homes that aren't hooked up.

2. In the event that Asarco declares bankruptcy, EPA would seek funds from Asarco through the bankruptcy process to address the contamination for which Asarco is liable. In addition, EPA may ask other potentially liable parties to participate in cleanup actions. Finally, EPA could seek funding from the Superfund trust fund to address the contamination. Under the Superfund program, EPA has the authority to either conduct this work itself or order a potentially liable party to conduct the cleanup work. The object of EPA's efforts would be to address existing contamination as well as to provide for the cleanup of contamination that is discovered in the future.
3. The ongoing Superfund cleanup in the town of East Helena provides for the removal of residential yards with elevated lead levels if the home is occupied by a child under age 7 or a pregnant woman. EPA has required Asarco to test all eligible yards and Asarco has complied with this requirement. There are approximately 3 to 5 homes that meet the



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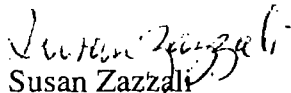
cleanup criteria that are scheduled for cleanup this year.

4. EPA's funding and existing authorities can address the remediation of contaminants in the environment that currently pose or in the future may pose a threat to human health or the environment. However, there are no EPA programs that provide compensation to individuals impacted as a result of exposure to contaminants.
5. EPA requires Asarco to provide financial assurance for its work obligations on an annual basis, but federal regulations give Asarco a number of possible ways to satisfy the financial assurance requirements. There are no Asarco bonds or trusts in place to guarantee the continuation of the cleanup work in the event that Asarco defaults on its existing obligations.
6. Our letter of January 29, 2002 should have stated that no new arsenic contamination was found in residential wells. This letter was sent out to well owners where wells are completed in the "intermediate" aquifer. New information has indicated that this region of the aquifer is contaminated. In the past, the intermediate region of the aquifer was thought to be clean. To our best knowledge, this contamination has not reached any private wells. A couple of very shallow residential wells do have unacceptable levels of arsenic. The owners of these wells, EPA and Asarco have been aware of the situation for many years.

Regarding your particular well, to our knowledge it has not been sampled because Asarco was unable to contact you for permission. Please let me know if you would like EPA or Asarco to sample your well.

Should you have any other questions or require further clarification please call me at (406)457-5019.

Sincerely,



Susan Zazzali
Environmental Engineer

cc: Suzanne Bohan, 8ENF-L
Jon Nickel, Asarco